

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 September 2020

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested evidence of discussions relating to a conclusion made by [name redacted] and all draft versions of this letter. The complainant has also requested documentation relating to an explanation given by the Home Office to the Parliamentary Health Service (PHSO) from October/November 2019 through to February 2020.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request in accordance with the FOIA.
4. The Home Office must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 26 May 2020, the complainant wrote to the Home Office and requested information in the following terms:

"Please provide me with any and all of the underlying evidence of discussions that [name redacted] used in order to come to the conclusion that "there was a delay whilst (sic) the information was collated". I would also like to see all draft versions of this letter.

If [name redacted] did not review the responses sent to the PHSO he identifies, please also provide these separately.

I note that [name redacted] assessment – a delay whilst collating – appears to contradict the explanation given by The Home Office to the PHSO at the time of the incident and I would like to be provided with any documents (from either October/November 2019 through to February 2020) that would shed light on this apparent contradiction, in order to clarify the claims made by the Home Office about this matter."

6. The Home Office acknowledged the request on 23 June 2020 stating that it was unable to send a full response within 20 working days and it is dealing with the request.
7. To date, a substantive response had not been issued.

Scope of the case

8. The complainant contacted the Commissioner on 29 June 2020 to complain about the way his request for information had been handled.
9. The Commissioner wrote to the Home Office on 24 August 2020 reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 20 working days.
10. The Commissioner also contacted the complainant on 24 August 2020 to explain that the Home Office had been given 20 working days from that date within which to provide a response to the request.
11. Although the Commissioner has written to the Home Office asking it to respond within 20 working days, the complainant has asked the Commissioner to issue a decision notice in regards to the delay.
12. The scope of this notice is to consider whether the Home Office has complied with section 10(1) of the FOIA.

Reasons for decision

13. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
14. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) promptly and in any event no later than the twentieth working day following the date of receipt.
15. On the evidence presented to the Commissioner in this case, she finds that the Home Office breached section 10(1) of the FOIA by failing to comply with section 1(1) of the FOIA within the statutory time period.

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Laura Tomkinson
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SK9 5AF